

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 2:11-cr-20178-8

Plaintiff,

HONORABLE STEPHEN J. MURPHY, III

v.

DARRELL RASHARD EWING,

Defendant.

/

CASE MANAGEMENT ORDER

Martin J. Beres was appointed as counsel for Defendant on a compassionate release and resentencing matter. ECF 542; 544. Mr. Beres emailed the Court's chambers and asked for clarification regarding the Court's order that had stricken Defendant's pro se motion to obtain certain sealed documents. *See* ECF 546. Counsel believed that the stricken motion was unrelated to the compassionate release matter for which he had been appointed.

Defendant's motion, ECF 545 (under seal), is unrelated to his compassionate release motion, ECF 536. The Court will therefore vacate the order striking Defendant's motion. ECF 546. The Court will also order the Clerk of the Court to remove the strike designation from ECF 545 (under seal). Because ECF 545 (under seal) is no longer stricken, the motion remains pending. The Court will therefore resolve the motion next.

The Sixth Circuit favors a "strong presumption in favor of open[]" court records.

Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016)

(internal quotation omitted). To overcome the strong presumption, a party must show “a compelling reason” that is “narrowly tailored to serve that reason.” *Id.* (citation omitted). The Court also has an “independent” “obligation to explain the basis for sealing court records[.]” *Id.* at 306.

Defendant moved to unseal two documents that he believed would benefit him in a State court case. ECF 545, PgID 5967. The Court’s independent *in camera* review of the documents reveals no sensitive information. And there does not appear to be any compelling reason to keep the document sealed. Thus, the Court will grant in part¹ his motion to unseal ECF 306 because no compelling reason justifies keeping it sealed.

WHEREFORE, it is hereby **ORDERED** that the Clerk of the Court must **REMOVE** the strike designation from Defendant’s motion to unseal [545].

IT IS FURTHER ORDERED that the Clerk of the Court must **UNSEAL** ECF 306.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: September 21, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 21, 2022, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager

¹ The Court will deny Defendant’s request to unseal ECF 328 because the filing is not sealed.